

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Crim. No. 05-00042-01-CR-W-DW
)
 v.)
)
 BILLY G. HICKS,)
)
 Defendant.)

ORDER

Magistrate Robert Larsen's Report and Recommendation (Doc. 41) to Deny Defendant's Motion to Dismiss Count II of the Indictment (Doc. 33) is pending before the Court. Defendant has filed an Objection to the Magistrate's Report and Recommendation.

The Court, after independent review of the record, applicable law, and Defendant's objections adopts the Magistrate's findings of fact and well-reasoned conclusions of law.

Accordingly, it is hereby

ORDERED that the Magistrate's findings of fact and conclusions of law are adopted and incorporated herein by reference. It is further

ORDERED that Defendant Hick's Motion to Dismiss Count II of the Indictment is hereby DENIED.

SO ORDERED.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: June 28, 2005